To: Members of the Development Management Committee

Councillors:

Chair – T McCarthy
Deputy Chair – J Richards

B Axcell, B Barr, D Earl, G Friend, T Higgins, L Hoyle, C Jordan, L Ladbury, F Rashid, G Settle

21 March 2012

Development Management Committee
Thursday, 29 March 2012 at 6.30pm

Council Chamber, Town Hall, Sankey Street, Warrington

Agenda prepared by Jennie Cordwell, Democratic Services Assistant – Telephone: (01925) 442111, Fax: (01925) 656278, E-mail: jcordwell@warrington.gov.uk

A G E N D A

Part 1

Items during the consideration of which the meeting is expected to be open to members of the public (including the press) subject to any statutory right of exclusion.

Item 1: Apologies for Absence

To record any apologies received.
2. **Code of Conduct - Declarations of Interest**

Members are reminded of their responsibility to declare any personal or prejudicial interest that they have in any item of business on the agenda no later than when the item is reached.

3. **Minutes**

To confirm the minutes of the meeting held on 8 March 2012 as correct records.

4. **Planning Applications (Main Plans List)**


5. **Results of Planning and Enforcement appeals**

5.1 15 Barnes Avenue, Pouton-with-Fearnhead

5.2 28 Worsley Road, Walton

5.3 Land between 120 and 128 Weaste Lane, Thelwall

5.4 Oak Lea, Common Lane, Lower Stretton

5.5 Station House, Station Road, Penketh

**Part 2**

Items of a "confidential or other special nature" during which it is likely that the meeting will not be open to the public and press as there would be a disclosure of exempt information as defined in Section 100I of the Local Government Act 1972.

**NIL**

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Agenda Item 3

DEVELOPMENT MANAGEMENT COMMITTEE

8 MARCH 2012

Present: Councillor T McCarthy (Chair)
Councillors B Axcell, B Barr, G Friend,
T Higgins, L Hoyle, G Settle and J Richards

DM65 Apologies for Absence

Apologies were received from Councillors D Earl, L Ladbury and F Rashid.

DM66 Code of Conduct – Declarations of Interest

<table>
<thead>
<tr>
<th>Councillor</th>
<th>Minute</th>
<th>Reason</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Councillor G Settle</td>
<td>DM69/70</td>
<td>Cllr Settle was the Chairman of the Nature Conservation Project that had campaigned against the application</td>
<td>Cllr Settle stepped down from the Committee as he wished to object to the granting of the lawful certificate and the retrospective application, it was noted that the decision to defer the applications was taken prior to Cllr Settle speaking.</td>
</tr>
<tr>
<td>Councillor T McCarthy</td>
<td>DM69/70</td>
<td>Cllr McCarthy reported that the applications had been discussed at Woolston Parish Council, however Cllr McCarthy had not expressed an opinion on the matter at any stage and approached the item with an open mind.</td>
<td>Councillor McCarthy remained in the meeting and took part in the ensuing discussions.</td>
</tr>
<tr>
<td>Councillor T Higgins</td>
<td>DM69/70</td>
<td>Cllr Higgins reported that the applications had been discussed at Birchwood Town Council, however Cllr Higgins had not expressed an opinion on the matter at any stage and approached the item with an open mind.</td>
<td>Councillor Higgins remained in the meeting and took part in the ensuing discussions and votes.</td>
</tr>
</tbody>
</table>
DM67  **Minutes**

Resolved,

That the minutes of the meeting held on 16 February 2012 were agreed as a correct record and signed by the Chair.

DM68  **Planning Applications**

Resolved,

That -

1. pursuant to the Town and Country Planning Act 1990, Planning (Hazardous Substances) Act 1990 the applications for permission to develop land be considered and dealt with in the manner agreed and entered into the Planning Register;

DM69  **2011/19010 – Prospect Farm, Prospect Lane, Rixton-With-Glazebrook, Warrington, WA3 6EH – Proposed 2m high boundary fence (lawful development certificate)**

The Executive Director of Environment and Regeneration submitted the above application (lawful development certificate), it was noted that planning permission was not required.

Resolved,

That planning application 2011/19010 be deferred

Reason for Decision: To enable consideration concurrently with planning application for wider development of the site

DM70  **2011/19014 – Prospect Farm, Prospect Lane, Rixton-With-Glazebrook, Warrington, WA3 6EH – Retroactive application for upgrade of existing track surface**

The Executive Director of Environment and Regeneration submitted the above application with a recommendation of conditional approval.

Resolved,

That planning application 2011/19014 be deferred

Reason for Decision: To enable consideration concurrently with planning application for wider development of the site
## Agenda Item 3

### DM71 Results of Appeals

A report of the Executive Director of Environment and Regeneration set out the result of recent appeals along with the Inspector’s findings and the Director’s subsequent comments:

<table>
<thead>
<tr>
<th>Application/Appeal Reference</th>
<th>Location and Description</th>
<th>Committee/Delegated Decision</th>
<th>Appeal Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011/18828 M0655/D/11/2166677</td>
<td>15 Templeton Drive, Warrington Single storey rear extension</td>
<td>Refuse</td>
<td>Allow</td>
</tr>
<tr>
<td>2011/18824 M0655/D/11/2166440</td>
<td>22 Smith Drive, Warrington Two storey side and rear extension and single storey side and front extension</td>
<td>Refuse</td>
<td>Dismiss</td>
</tr>
<tr>
<td>2011/18481 M0655/D/11/2166578</td>
<td>137 Old Chester Road, Higher Walton, Warrington Two storey side and rear extension</td>
<td>Refuse</td>
<td>Allow</td>
</tr>
<tr>
<td>2011/18561 M0655/D/11/2164817</td>
<td>217 Chester Road, Grappenhall Take down existing conservatory and construct a two storey side extension</td>
<td>Refuse</td>
<td>Dismiss</td>
</tr>
<tr>
<td>2010/17082 M0655/D/11/2159733</td>
<td>Camsley Grange Farm, Camsley Lane, Lymm Change of use from agricultural to commercial use (Class B1c) and single storey side extension</td>
<td>Refuse</td>
<td>Allow</td>
</tr>
</tbody>
</table>

Resolved,

That the report be noted

Signed………………………

Dated ..........................
## DEVELOPMENT MANAGEMENT COMMITTEE

### Thursday 29th March 2012

Start 6.30pm

<table>
<thead>
<tr>
<th>Item</th>
<th>Page</th>
<th>App number</th>
<th>App Location/Description</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>2011/19313</td>
<td>Police Training Centre, Greenway, Warrington, WA1 3EG</td>
<td>Approve Subject to Section 106 Agreement</td>
</tr>
</tbody>
</table>

Demolition of existing buildings and application for outline planning permission for residential development of up to 220 new dwellings with associated open space, landscaping and infrastructure (all matters reserved).
Application Number: 2011/19313

Location: Police Training Centre, Greenway, Poulton-With-Fearnhead, Warrington, WA1 3EG

Ward: Poulton South

Development: Demolition of existing buildings and application for outline planning permission for residential development of up to 220 new dwellings with associated open space, landscaping and infrastructure (all matters reserved).

Applicant: Mrs Delyse Bailey, Homes & Communities Agency

RECOMMENDATION: Approve subject to Section 106 Agreement

Conditions:
• Reserved Matters to be Approved
• Application for RM within 7 years development to commence three years after final RM
• Improve Manc Rd / Greenway junction to provide enhanced pedestrian crossing and right turn facilities
• Details of the proposed roundabout access onto Bruche Avenue to be agreed
• RM's to include submission of energy statement and incorporation of renewables
• RM's to include tree protection measures
• Demolition methodology statement agreed and implemented
• RM's to include levels details
• RM's to include surface water scheme
• RM's to include flood management schemes from surface water
• To be constructed to code for sustainable homes level 3 and lifetime home standard
• Houses with frontage to Bruche Avenue - standard thermal double glazing and trickle vents
• RM's to include public open space maintenance and management strategy
• Land contamination to be addressed

Description
• The proposal is for outline planning permission for proposed residential use on the former Police Training Centre in Bruche - up to 220 new homes on an area of approximately 8.7ha.
• Two vehicle accesses to the site proposed - a primary access from Greenway designed to accommodate 90% vehicle access to/from the site - secondary vehicle access from Bruche Avenue designed to
accommodate 10% vehicle access to/from the site – upgraded roundabout junction onto Bruche Avenue also proposed.

• Intention that subsequent reserved matters applications will follow from developers but the basic principle for the entire site will be established through this application – all matters currently reserved, i.e. access, appearance, landscaping, layout and scale.

• Application includes an illustrative layout which is purely indicative - Council are not currently considering the layout, design or separation of the proposed houses to existing residential properties – these issues would be dealt with at the reserved matters stage as each subsequent phase of development comes forward.

Location

• The former Police Training Centre is situated in the Bruche area of Warrington to the north of the A57 Manchester Road and approximately 3 km east of the Town Centre.

• The site is bounded by established residential areas on all sides - Greenway and Royston Avenue to the south - Bruche Avenue to the west - Hazel Grove and Springfield Avenue to the north - Southdale Road to the east.

• The context consists of traditional two storey semi detached properties arranged linearly and in cul-de-sacs – also an office and more modern roof space development to the east of the south entrance from Greenway – also bungalows along Southdale Road to the southern section of the eastern boundary.

• The site contains numerous existing buildings of various sizes / ages - a swimming pool - disused running circuit - football field - large kitchen / dining area - two bars - training blocks - numerous residential blocks – all
buildings served by a network of paved access roads, parking areas and hard standing including a parade ground.

- Extensive lengths of approximately 2m high hedging around the periphery forms an attractive boundary feature.
- As well as the main site access off Greenway the site has a gated access to Bruche Avenue to the west (vehicular and pedestrian) as well as a gated passageway onto Southdale Road to the east (pedestrian) – these are not currently in use.
- The site is mainly flat, although there is a raised plateau area within the central part of the site with a number of mature trees, a pond and a parade ground – the indicative layout drawing suggests it is the intention to retain this area as a landscaped amenity area - it is stated that levels vary between approximately 9m and 11.50m AOD and slope gently southwards.

Relevant History
- Only minor applications submitted in past relating to extension and alterations to buildings within the site – none of relevance to current application.
- The site was initially developed as a transit station for troops during the Second World War – during 1950s it was redeveloped as a training facility for the Merseyside, Cheshire and Greater Manchester police forces.
- The site was acquired by English Partnership (now the HCA) in 2007 following the closure of the Police Training Centre in May 2006 - in accordance with the then Government Guide for the disposal of surplus property and the re-use of brownfield land to support the Government objectives, the site was placed on the register for surplus public sector land and identified for disposal on the open market.

Main Issues and Constraints
- Principle of Housing
- Residential Amenity
- Design Principles
- Highways
- Trees
- Flooding
- Noise
- Land Quality
- Air Quality
- Infrastructure
- Ecology

Key policy/guidance checklist
- PPS1 Delivering Sustainable Development
- PPS3 Housing
- PPS9 Biodiversity and Geological Conservation
- PPG13 Transport
- PPG17 Planning for Open Space, Sport and Recreation
- PPS22 Renewable Energy
• PPG24 Planning and Noise
• Policy DCS1 Development Control Strategy
• Policy DCS2 Planning Obligations
• Policy DCS3 Engineering Services
• Policy GRN22 Protection and Enhancement of Landscape Features
• Policy HOU1 Housing Land
• Policy HOU2 Housing Development - Restrictions
• Policy HOU3 Housing Development – Development Control
• Policy HOU4 Open Space
• Policy HOU6 Housing Density & Mix
• Policy HOU13 Privacy and Daylight
• Policy HOU15 Affordable Housing
• Policy REP4 Protection of the Floodplain
• Policy REP5 Surface Water Run-off and Sustainable Drainage Systems
• Policy REP8 Land Contamination
• Policy REP10 Noise
• Policy GRN18 Key Biodiversity Habitats and Priority Species
• Policy GRN19 Protected Species
• Policy GRN21 Protection of Nature Conservation Resource
• Policy LUT1 Land Use / Transportation Strategy
• Policy LUT2 Transport Priorities in Development Control
• Policy LUT3 Walking
• Policy LUT5 Cycling
• Policy LUT7 Public Transport
• Policy LUT12 Transport Impact Assessments
• Policy LUT20 Parking
• Policy SOC1 Social Progress

Appraisal

<table>
<thead>
<tr>
<th>PPS1</th>
<th>PRINCIPLE OF HOUSING</th>
<th>Location – Site is within Inner Warrington and proposal is therefore consistent with Council’s Housing Policy Framework and the broad objectives of PPS1 and PPS3 representing the use of previously developed land and regeneration of a vacant site in a location close to community facilities and infrastructure - there are two primary schools (St Oswald’s and Bruche Community Primary) within 800m of the site and Padgate High School approximately 3km away - Bruche Park is located off Bruche Avenue opposite the western boundary of the site – Manchester Road is a main road corridor to the Town Centre to west and the M6 to the east.</th>
</tr>
</thead>
<tbody>
<tr>
<td>PPS3</td>
<td>Delivering Sustainable Development</td>
<td>Affordable Housing – A total of 30% of the proposed homes on the site would be affordable housing - contribution for off-site affordable housing also agreed relating to 20% of the maximum number of houses proposed - 44 homes (20% of 220 homes) - contribution at £25,000 per unit - £1,100,000 to be secured via section 106.</td>
</tr>
<tr>
<td>HOU1</td>
<td>Housing Land</td>
<td>The principle of development is acceptable and adequate provision is made for affordable housing – to be secured via a section 106 agreement.</td>
</tr>
<tr>
<td>HOU2</td>
<td>Housing Development – Restrictions</td>
<td></td>
</tr>
</tbody>
</table>
The application is outline with all matters reserved including the layout, design, height and size of the proposed dwellings - these issues would be dealt with at the reserved matters stage as each subsequent phase of development comes forward and the Council would at that stage assess the specific relationships between each individual dwelling (existing and proposed) - application does include indicative drawings to illustrate that the site is broadly capable of accommodating the proposed number of units – it also includes a ‘Parameters Plan’ which sets out the floor and ridge heights of dwellings for each parcel which it is stated correspond with typical domestic housing of around two storeys.

Parameters plan makes reference to houses proposed at 20.1m which has given rise to objection - it is stated that the heights in the parameters plan are heights above sea-level (AOD) - predicted heights of the building are therefore the difference between the two figures i.e. 20.1m - 11.1m = 9m – traditional two storey height.

An informative is recommended to reiterate the Council’s separation distances for housing development - adherence to the policy should ensure that future reserved matters application are in accordance with the development plan in this respect - condition also recommended relating to demolition activity - loss of property value not a material consideration.

<table>
<thead>
<tr>
<th>DCS1</th>
<th>RES AMENITY</th>
<th>Development Control Strategy</th>
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</thead>
<tbody>
<tr>
<td>HOU3</td>
<td>Housing Development - Development Control</td>
<td></td>
</tr>
<tr>
<td>HOU13</td>
<td>Privacy and Daylight</td>
<td></td>
</tr>
</tbody>
</table>

PPS1
Delivering Sustainable Development

PPS3
Housing

PPS22
Renewable Energy

DCS1
Development Control Strategy

HOU3
Housing Development - Development Control

HOU4
Open Space

HOU6
Housing Density & Mix

REP1
The Prudent Use of Resources

SOC1
Social

Sustainability - Padgate station to the north of the site is within a 5 -10 minute walk and accessible by bus and private car providing links to Liverpool and Manchester - regular bus service operates from Padgate Lane and Manchester Road with bus stops located close to Greenway and the existing site entrance.

Housing Mix – The current predicted mix of units is suggested as a combination of 2, 3 and 4 bedroom homes:
- 2 bedroom homes - 3%
- 3 bedroom homes - 55%
- 4 bedroom homes - 42%

This is considered a satisfactory variety of house types.

Interest – Key objective is to reinforce a sense of place and local distinctiveness – indicative building height up to 2 storey with predominantly detached and semi detached - limited number of terraced houses – stated objective of continuity of frontage, enclosure and interaction of the public realm and integration into the existing urban grain - improved access and permeability with new movement potential throughout the site - building layouts used to create a positive definition to the shape and function of outdoor space - provision for walking, cycling and car parking intended - these principles would reflect and strengthen the existing context and establish the foundations for interesting and attractive design to be articulated at reserved matter stage.

Landscaping / Topology – Bruche Park neighbours the site on the west boundary but limited potential to have an interface with this area – indicative drawing shows a 'green
Progress link' through the site that will help improve permeability through wider Bruche area and create better connections between Bruche Park and Woolston Park.

Construction & Adaptation – Code for sustainable homes level 3 - reference made to a commitment to the Lifetime Homes standard – condition recommended to address this.

Public Open Space – A number of significant trees and hedges identified for retention with additional open space and gardens - trees and hedges around periphery retained to minimise disruption to neighbouring properties - total green space area of approximately 0.69 hectares indicated - section 106 contributions towards children’s play and sports & recreational open space improvements off site – on site open space to be managed and maintenance by Management Company (condition recommended to ensure appropriate strategy).

Tenure – Provision is made for upto 50% affordable homes for local people with a minimum 30% provided on site and the remainder provided as contributions to off-site provision – subject of section 106 agreement.

Renewables - Application does not include energy statement and there is at this stage no indication of any features that would reduce environmental impact (condition recommended to ensure full consideration as appropriate at reserved matters stage).

The outline proposal demonstrates satisfactory design principles – conditions / section 106 recommended as necessary to ensure that principles carried through to reserved matter stage where greater consideration can be given to their application.

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
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<tbody>
<tr>
<td>HIGHWAYS</td>
<td>Traffic Generation – Proposal can be accommodated on the local highway network without significant detrimental effect, notwithstanding that the junction of the A57 Manchester Road and Bruche Avenue is expected to be approaching its capacity limits (particularly in the AM peak hour period).</td>
</tr>
<tr>
<td>DCS1 Transport</td>
<td>Car &amp; Pedestrian Safety – proposal will generate increased pedestrian crossing activity at the junction of the A57 Manchester Road and Greenway - crossing facilities here substandard (refuge &lt;1m) – additionally increase in right turns into and out of Greenway could not be safely accommodated with current arrangements – no right turn pocket on Manchester Road to safely facilitate an increase in such manoeuvres - Grampian condition recommended to address this and measures would need to be incorporated at the reserved matters stage - any scheme for improvement of the Manchester Road / Greenway junction would need to be subject to extensive consultation with local ward councillors and residents - provision of a signalised pedestrian crossing facility on Bruche Avenue also proposed - questionable whether such a facility would be required due to low pedestrian crossing demand and low traffic speeds on Bruche Avenue – a new roundabout access onto Bruche Avenue is being proposed - condition recommended to ensure that roundabout onto Bruche Avenue is properly designed and implemented.</td>
</tr>
<tr>
<td>LUT1 Land Use</td>
<td></td>
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<tr>
<td>LUT2 Transport</td>
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<tr>
<td>LUT21 Parking</td>
<td></td>
</tr>
<tr>
<td>LUT3 Walking</td>
<td></td>
</tr>
</tbody>
</table>
**Avenue constructed satisfactorily and would need to be subject of a Stage 1 Road Safety Audit.**

Application has been amended to remove access as a matter for consideration to allow junction improvement scheme to be designed which would be incorporated at the reserved matter stage - full Highways comments attached at Appendix.

<table>
<thead>
<tr>
<th><strong>DCS1</strong></th>
<th><strong>GRN22</strong></th>
<th><strong>TREES</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Control Strategy</td>
<td>Protection and Enhancement of Landscape Features</td>
<td>There are a large number of trees within the site of merit and predominantly identified for retention – intermediate quality trees can be replaced as necessary in response to siting requirements - some trees not of substantial merit to be removed - the trees of quality would be the subject of Tree Preservation Order to ensure retention. Identification of important trees at this stage provides prospective developers with clarity and sufficient flexibility to accommodate their site layouts in the future whilst at the same time retaining quality stock.</td>
</tr>
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<thead>
<tr>
<th><strong>REP4</strong></th>
<th><strong>REP5</strong></th>
<th><strong>FLOODING</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Flood Protection</td>
<td>Surface Water Run Off</td>
<td>No flood mitigation measures considered necessary – requirement for onsite attenuation to ensure site discharge restrictions are not exceeded – also need to manage the risk of flooding from overland flow of surface water to future residents. No objections to proposal from Environment Agency - subject to control of surface water there are no concerns in respect of flooding issues.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>DCS1</strong></th>
<th><strong>REP10</strong></th>
<th><strong>NOISE</strong></th>
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<tbody>
<tr>
<td>Development Control Strategy</td>
<td></td>
<td>Proposed Houses - Existing ambient noise levels are low across the majority of the site - higher levels are only observed on the western boundary close to Bruche Avenue - with standard thermal double glazing and hit and miss trickle vents in place acceptable internal noise levels can be achieved. Gardens - Noise monitoring results also indicate that the relevant guidelines on noise levels in rear gardens and open spaces can be met across the site. Existing Houses - Area of most concern related to potentially significant impacts on road traffic noise levels at existing properties on Greenway from the existing southern access to the site - impacts are classed as of only minor significance compared to existing authorised use - traffic flows on the new access off Bruche Avenue are low - impact at the closest properties on Bruche Avenue is likely to be negligible. With the safeguard of a condition to ensure implementation of the recommendations of the submitted Noise Report, it is considered that the site can accommodate residential development without significant noise impact for existing and future occupiers.</td>
</tr>
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<thead>
<tr>
<th><strong>REP8</strong></th>
<th><strong>LAND QUALITY</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Contamination</td>
<td>Ground investigations undertaken October 2007 and March 2008 - report identifies that ground contaminants present on site will not constrain residential development - localised remedial measures are likely to be required however. Condition recommended ensuring the necessary remediation undertaken.</td>
</tr>
</tbody>
</table>

- 9 -
Air Quality

Assessment of annual mean concentrations of nitrogen dioxide (NO₂) and particulate matter (PM₁₀) undertaken to quantify the impact of the change in road traffic emissions from the proposal.

Pollution concentrations at the proposed residential properties within the site are predicted to remain well below the air quality objective values, therefore the site is considered to be suitable for residential use.

Education & Healthcare – No response from consultations suggests that local schools and healthcare services have adequate capacity to accommodate increases arising from the proposal.

Water - Application confirms that the checking of services information has revealed that water utilities exist in proximity to the site and these can be extended to serve the proposed development - there is a sewer passing under the northern part of the site and provision has made for an easement to address this (easement width is likely to be 6.50m either side of the barrel of the pipe giving an overall easement width of 14.50m).

Equipped Children’s Play – Implications for children’s play facilities in the area from increased number of children – current deficiency of equipment for older children – contribution agreed towards enhancement of facilities (£55,900 exact details to be agreed via section 106).

Informal Public Open Space – Adequate levels of public open space available to meet demands of development - open space on the application site to be maintained by a management company – (condition recommended to secure this).

Sport & Recreation – Current deficiency within the Central Warrington area - contribution agreed towards enhancement of facilities (£329,745 exact details to be agreed via section 106).

Recommendation to grant planning permission subject to section 106 relating to - equipped children’s play (£55,900) - sport & recreation (£329,745) – as well as on site affordable housing (30%) – off site affordable housing (£1,100,000).
the Nature Conservation Resource

status of these habitats including presence of breeding birds and great crested newts (European Protected Species).

Bats – A building within the site has previously been found to be a bat roost (also a European Protected Species) - Bat Survey confirms a small number of common pipistrelles roosting in building 23 and were found feeding and commuting around the wider site – surveys now out of date this (not in accordance with a key principal of PPS9) – need for updating and any mitigation identification as necessary – not subsequently possible to accurately attribute weighting to harm to bats – roost may have moved or become larger – possibly all buildings used by bats.

Use of Conditions - case law suggests not appropriate to grant consent until we know what is present on site – Inspectors previously taken view where there is inadequate information then unable to frame mitigating conditions or predict effectiveness of controls – surveys necessary to inform a decision on acceptability of principle of development as well as the use of planning conditions.

Deferral to Reserved Matters Stage - ODPM Circular 06/2005 states “the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat” - Circular continues “it is essential that the presence or otherwise of protected species, and the extent that they may be effected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision” – example of Council decision being quashed by High Court.

There is insufficient information at the moment to ascertain the presence of and implications for biodiversity interests – the applicant is in the process of commissioning surveys which will provide this information - recommendation thus to grant planning permission subject to satisfactory resolution of ecological matters (as well as conditions and section 106) – this should not significantly delay the issuing of the decision which cannot be released until after the section 106 has been signed and also allows the Council to satisfy its legislative obligation to the conservation of biodiversity in exercising its functions - full Ecological comments attached at Appendix.

Arboricultural Officer: No objection
Trees of sufficient quality identified for Tree Preservation Order status – full comments attached at Appendix

Education: No comments received

Environment Agency: No objection
Conditions recommended relating to surface water - comments at attached at Appendix
Environmental Health: No comments received

Highways: No objections
With junction improvements at junction Greenway/Manchester Road site can accommodate expected traffic – full comments at attached at Appendix.

Nature Conservation Officer: Objection
Insufficient information to determine impact upon protected species – full comments at attached at Appendix.

Planning Policy: No comments received

Primary Care Trust: No comments received

Public Art Officer: No comments received

United Utilities: No objections
Sewer within site identified – easement required – only foul drainage to be connected to foul sewer - comments attached at Appendix.

Responses to Notification

Councillors: Objection received from Councillor Colin Froggatt
“I would like to object to the above planning application on the basis that the applicants are being (deliberately or inadvertently) vague in its description of the dwellings proposed to be built. At the consultation event residents, including myself were told that the proposed buildings would be no more than two storey’s. In the submitted documents Plot C refers to a height of building of 20.1 metres. Plot A refers to a building height of 19.85 metres. Both these heights are considerably higher than a two story build. The narrative within the planning application refers to buildings of “about two storey’s” which in this instance appears to be deliberately vague and not very informative especially for local residents. On this basis I object to the planning application on the basis of this deliberate vagueness with full recognition that it is an outline planning application. That is no reason for not fully explaining their intentions plainly. I would ask that I am able to make representations to the planning committee and would be pleased to receive a date for the meeting”.

Comment: See policy appraisal above (RESIDENTIAL AMENITY) - application is outline with all matters reserved

Parish Council: Objection received from Poulton with Fearnhead Parish Council
“Whilst accepting the inevitability of housing on the Bruche Police Training Camp and the fact that the current application is supposed to be outline the Parish Council felt it important that they raise certain concerns. It appears that the applicant is being particularity vague in the description of the dwellings proposed to be built and it is understood that residents at the consultation event were told that proposed buildings would be no more than 2 storeys. The plan presented to the Parish Council showed heights of buildings up to 20.1
metres and adjoining certain properties at 19.85 metres. Both of these heights are considerably higher than a 2 storey house. Again the developer is being very vague by referring to buildings of about 2 storeys and this is not very helpful to people in the area in considering the application. In addition the indicative plan shows houses adjacent to Westover Road encroaching onto the borders of adjacent properties. This will cause a lot of problems for the properties in Westover Road with overlooking and a lack of privacy and amenity. Based upon the information relating to the properties that has been provided to the Parish Council they feel that they have no option but to object to the planning application. Had the application not shown the siting of properties and had been purely an outline application then the consideration by the Parish Council would have been different. It is important at this early stage that the developer is made aware of the objections of the Parish Council and residents and that serious consideration is given to the siting of properties adjacent to existing buildings. It is particularly important to ensure that properties close to bungalows are themselves of a similar height. An important consideration as well is that the camp site itself is higher than adjoining properties and any buildings above 2 storeys would inevitably tower over existing properties”.

Comment: See policy appraisal above (RESIDENTIAL AMENITY) - application is outline with all matters reserved

Neighbours: Letters received from 25 properties
1. Loss of privacy
2. Loss of daylight
3. Loss of property value
4. Inadequate separation
5. Loss of sunlight
6. Loss of view
7. Buildings too high
8. Light pollution
9. Noise
10. Houses should be same as surrounding houses
11. Bungalows should be built (less impact upon light and privacy)
12. Air pollution from asbestos during demolition, construction traffic

Comment: See policy appraisal above (RESIDENTIAL AMENITY/NOISE/AIR QUALITY) - application is outline with all matters reserved

13. Infrastructure – sewage, electricity, school capacity (closure of Woolston High), shops, dentists

Comment: See policy appraisal above (INFRASTRUCTURE) – legal agreement sufficient to ensure adequate infrastructure in place.

14. No need for additional housing, empty homes already
15. Affordable housing - social problems
16. Loss of green space, site better suited to a school development, better used as parkland

- 13 -
Comment: See policy appraisal above (PRINCIPLE) – residential development acceptable on site in principle.

17. Additional traffic – damage to roads, congestion, road safety, danger on Bruche Avenue, existing Bruche Avenue access not used – unsuitable for heavy traffic

Comment: See policy appraisal above (HIGHWAYS) – with junction improvements at junction Greenway/Manchester Road site can accommodate expected traffic.

18. Surface water drainage

Comment: See policy appraisal above (FLOODING) – scheme necessary to control surface water discharge.

Conclusions and reasons for recommendation/decision

• Proposal is in accordance with the Council’s Housing Policy Framework and involves the redevelopment of a vacant, brownfield site within Inner Warrington – provision made for on site affordable housing (30%) and off site affordable housing (£1,100,000).

• Application outline with all matters reserved including the layout, design, height and size of the proposed dwellings - intention is to provide two storey housing at 9m high – informative recommended to reiterate need to ensure adequate interface to existing houses.

• Design objectives reflect established good advice - conditions recommended as necessary to ensure that principles carried through to reserved matter stage.

• With junction improvements at junction Greenway/Manchester Road site can accommodate anticipated traffic.

• Trees of quality have been identified for retention – scope for some removal of trees of less quality when exact position of houses determined at reserved matter stage.

• Subject to control of surface water no concerns in respect of flooding issues.

• No environmental constraints of significance – conditions recommended addressing noise mitigation and land quality issues.

• Section 106 agreement would help secure the necessary local infrastructure in terms of equipped children’s play (£55,900) and sport & recreation facilities (£329,745) – total contribution including off site affordable housing £1,485,645 – exact details to be agreed.

• Currently insufficient information to ascertain the presence of and implications for biodiversity interests – surveys to be submitted shortly – recommendation to approve consent subject to this information being submitted and agreed as well as the section 106.

Appendix

Arboricultural Officer

There are a sizeable number of trees within the site worthy of retention and for the most part, shown to be retained in the subsequent development phase. The potential tree loss on Bruche Avenue entrance is not ideal as the current
screen is more than effective in reducing impact on Bruche Avenue itself. Minor amendment to the [indicative] housing layout would ensure their retention. The majority of the proposed losses are towards the existing main entrance to the site. Given the quality of some of the trees scheduled for removal, further amendments suggested to the site layout to incorporate these trees within the scheme to give an air of maturity right from completion of the site. The trees are predominantly long term hardwoods and are of sufficient quality to consider further protection both during the construction phase and subsequently as new residents move in. There are upwards of sixty trees considered suitable for retention out of a total survey number of 202.

Environment Agency
The Environment Agency has no objection in principle. The site is shown on the Environment Agency’s Flood Maps as being within Flood Zone 1, which is low probability of river/tidal flooding. The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. The FRA explains that the discharge of surface water from the existing site is to Padgate Brook, via an existing surface water sewer. The capacity of this sewer restricts the run-off from the existing site to approximately 90 litres/second. This discharge rate is acceptable in principle as the limiting discharge from the proposed development. For discharges above the allowable rate, attenuation will be required for up to the 1% annual probability event, including allowances for climate change. The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS), in the form of grassy swales, detention ponds, soakaways, permeable paving etc. This can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate. Condition thus recommended limiting the surface water run-off generated by the proposed development. During times of severe rainfall, overland flow of surface water could cause a flooding problem. Second condition recommended managing the risk of flooding from overland flow of surface water.

Highways
Application proposes to retain Greenway as the main access to the development and upgraded roundabout junction onto Bruche Avenue also proposed.

Transport Assessment
The applicant has submitted a Transport Assessment (TA) in support of the proposals. The TA examines the operation of the following junctions, with the proposed development, in the predicted opening year of 2015, and future year, 2025:

- A57 Manchester Road / A50 King Edward Street / A50 Kingsway North signalised junction.
- A57 Manchester Road / Bruche Avenue uncontrolled priority junction.
- A57 Manchester Road / Greenway uncontrolled priority junction.
- Bruche Avenue / Padgate Lane uncontrolled priority junction.
Junction Assessment Results
The TA indicates that with the proposed development the individual junctions are predicted to operate as follows:

- A57 Manchester Road / A50 King Edward Street / A50 Kingsway North junction predicted to operate within acceptable capacity limits in 2015 and 2025.
- A57 Manchester Road / Bruche Avenue junction approaching its capacity limits with development in 2015 and 2025.
- A57 Manchester Road / Greenway junction predicted to operate with significant reserve capacity in both opening year 2015 and future year 2025.
- Bruche Avenue / Padgate Lane junction predicted to operate with significant reserve capacity in both opening year 2015 and future year 2025.

In view of the above, it can be therefore concluded that in traffic generation terms, the proposed development can be accommodated on the local highway network, without significant detrimental effect, notwithstanding that the junction of the A57 Manchester Road and Bruche Avenue is expected to be approaching its capacity limits (particularly in the AM peak hour period).

Pre application consultation
Pre application consultations with the applicants transport consultant commenced in late 2010. At this time, two detailed highways issues were raised in relation to the proposed change of use of the site, namely that:

- The proposed change of use to residential use would be likely to result in an increase in pedestrian crossing activity at the junction of the A57 Manchester Road and Greenway. Pedestrian crossing facilities by the junction of Manchester Road and Greenway are substandard, with a pedestrian refuge of less than 1m width currently being available.
- The proposed change of use to residential use would be likely to lead to an increase in right turns into and out of Greenway. At present there is no right turn pocket on Manchester Road to safely facilitate an increase in such manoeuvres.

There is therefore a clear need to mitigate the impact of the proposals on the junction of Manchester Road and Greenway in order to provide enhanced opportunities for pedestrian crossing and right turn manoeuvres.

Pedestrian Crossing Feasibility Study
In response to the above pre application advice, the applicant has submitted a Pedestrian Crossing Feasibility Study.

The Feasibility Study proposes the full signalisation of the junction of the A57 Manchester Road and Greenway. This proposal has been reviewed by the Council’s Highways Design Manager and Road Safety Auditors, who have commented that the proposed signalisation of the junction would not be feasible in this instance, due to the significant number of private drives (used to access properties on Manchester Road) that are situated within the junction.
Additionally, the above study has also proposed the provision of a signalised pedestrian crossing facility on Bruche Avenue. Whilst this is welcomed, it is questionable whether such a facility would be required, due to low pedestrian crossing demand and low traffic speeds on Bruche Avenue.

**Further Pedestrian Crossing Options**

In relation to improvement of pedestrian crossing facilities at the junction of Manchester Road and Greenway, the applicant has also provided three potential pedestrian crossing designs, to indicate whether stand alone pedestrian crossing facilities would be feasible. These designs have again been reviewed by the Council’s Highways Design Manager and Road Safety Auditors.

As the potential pedestrian crossing designs would involve creating a central pedestrian refuge of approximately 3m width, whilst maintaining two carriageway lanes in each direction, this would require some narrowing of lanes and a reduction in adjacent footway width. The Council’s Highways Design Manager and Road Safety Auditors have therefore expressed concerns that, as proposed, the pedestrian crossing facilities could lead to an increase in side impact collisions.

One of the three pedestrian crossing options also proposed provision of a pedestrian crossing facility aligned to a reduction in the number of available carriageway lanes on Manchester Road from two in each direction, to one. However, the number of lanes could not be reduced from two to one in each direction without a strategy for implementation across the wider Manchester Road corridor first being assessed.

In view of the above, we would advise that a wider solution to address these detailed issues should be examined. It should also be noted that any scheme for improvement of the Manchester Road / Greenway junction, as outlined above, would need to be subject to extensive consultation with local ward councillors and residents.

**Summary and Conclusions**

In summary, whilst the application submitted is for outline approval, with access to be considered as a detailed matter, we do not yet have sufficient information to demonstrate that the proposals are acceptable in detailed terms.

We would therefore advise that the application is amended so that outline permission with all matters reserved is sought.

Subject to this amendment, no highways objections are raised in respect of the proposals. However, should planning permission be granted we would wish to ensure the following planning conditions are attached:

“*No development shall commence until a scheme for improvement of the Manchester Road / Greenway junction, to provide enhanced pedestrian*
crossing and right turn facilities, has been agreed with the Local Planning Authority. Such scheme as is agreed shall be implemented prior to first occupation of the development.”

“No development shall commence until full construction details of the proposed roundabout access onto Bruche Avenue have been agreed with the Local Planning Authority. The roundabout shall be constructed in accordance with the details agreed prior to first occupation of the development.” Additionally the following informative is offered:

“Prior to the submission of a reserved matters application, the proposed new roundabout junction with Bruche Avenue should be subject to a Stage 1 Road Safety Audit. To action, the applicant should contact Jamie Fisher of the Council’s Accident Investigation Team on 01925 443248.”

Natural Environment Officer

Recommendation of refusal
General principal of development at this site is not disagreed with but insufficient information for the Local Authority to competently determine this application with regards to the Conservation of Habitats and Species Regulations 2010, GRN 18 & GRN 22.

The Natural Environment and Rural Communities Act (NERC) 2006 places a duty on Local Authorities to have regard to the conservation of biodiversity in exercising their functions. In the context of planning applications, conserving Biodiversity includes restoring and enhancing species populations, as well as protecting them. When this duty is taken into consideration with Planning Policy Statement 9 (PPS9), as an authority Warrington Borough Council need to ensure that when granting any planning permission it would not conflict with these policies. The results of any surveys and landscape master plans will be used to determine this when considering any planning permission.

One of the key principles of PPS 9: Biodiversity and Geological Conservation is that planning decisions should aim to maintain, and enhance, restore or add to biodiversity conservation interest. Where a planning decision would result in significant harm to biodiversity and geological interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented adequately mitigated against, or compensated for, then planning permission should be refused.

Public authorities have a Duty to have regard to the conservation of biodiversity in exercising their functions. This Duty was introduced by the Natural Environment and Rural Communities Act and came into force on 1 October 2006. In PPS9, the Government has indicated that local authorities should take steps to further the conservation of habitats and species of principal importance through their planning function (see PPS9 paragraph 14).
We also advise that any proposals should aim to avoid damage to existing biodiversity features, and to create opportunities for enhancing biodiversity through the delivery of Local Biodiversity Action Plan (LBAP) targets. LBAPs identify the action required at a local level to deliver UK and regional targets for habitats, species, public awareness and involvement. They also identify targets for other habitats and species of importance in the more local context of their geographical area.

The Conservation of Habitats and Species Regulations 2010 Implement the Habitats Directive. Schedule 2,40 (1) of the Regulations makes it an offence to deliberately capture, kill or disturb a member of a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. These Regulations require all local planning authorities in the exercise of their functions to have regard to the provisions of the Habitats Directive so far as they might be affected by those functions.

**BAP habitats & Species**
The application is not supported by a Phase 1 Habitat Survey which is required to establish what other habitats and features are present on site. The bat survey report indicates “rough grassland, ponds and hedgerows” (Bat Survey by Golder Associates, September 2008 Page 13, Section 6.0 Discussion) are present. These could be BAP habitats and information is required as to their status.

A Phase 1 Habitat Survey should also identify any breeding birds on site or habitat which has potential for them and which, if any, none native species as listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) have established on site.

**European Protected Species- Great Crested Newts**
If a pond is present on site information is required regarding the presence of Great Crested Newts (European Protected Species). Pending the results of a survey, should they be confirmed as present then mitigation and compensation will be required to determine this application and the impact it may have on this species. The Habitat Regs and the ‘3 tests’ would also have to be applied for this species should it be found on site.

**European Protected Species- Bats**
With respect to The Conservation of Habitats and Species Regulations 2010 (as above) this application requires assessment under the Habitats Directive as a building within the site has previously been found to be a bat roost. This application is submitted with a Bat Survey by Golder Associates, September 2008 which included an emergence and activity survey of 8 of the buildings on site. This survey followed a previous bat roost assessment of the buildings on site in April 2008 by Atkins which identified bat droppings and 8 buildings with potential for bat roosting (Section 2.0 page 3 of the Golder report). This report has not been submitted with this application and was therefore not available for assessment. The September 2008 survey confirmed a small number of common pipistrelles are roosting in building 23 and were found feeding and commuting around the wider site.
With the lead in time and associated pre-app discussions for this site its surprising these surveys have not been updated given the findings. The submitted information is now out of date and urgently needs updating and any mitigation necessary must be submitted with this in order to be able to determine an application here.

Without an up-to-date assessment of the bat situation (as per PPS9 Key Principal 1 a "...planning decisions should be based on up-to-date information about the environmental characteristics of their areas...") this application unfortunately does not meet PPS9. The 2008 survey is out of date, pipistrelles species were found in 2008 and this species of bat is highly transient and can move roosts or conversely it could have become a larger roost in the time which has lapsed. Also the other 7 buildings which were identified in April 2008 as having moderate bat roost potential could now be in use by bats, hence updated surveys are required for these buildings too. As the development site has been relatively undisturbed and there are clearly features present within the site for roosting its imperative an up-to-date picture is provided to be able to judge exactly what we are dealing with. Only then can we as the competent Authority move forwards to be able to apply the "3 tests" with regards to the habitat Regs and assess an application under the Directive.

With any surveys for this European Protected Species we would need to see appropriate mitigation and compensation proposed for the bat species present. This may be in the form of replacement roost features in new buildings and bat boxes, its possible new roost features may need to be in place prior to the demolition of any existing buildings on site. In addition to this exclusion of bats from buildings may need to take place or demolition may need to be timed to avoid sensitive times of the year with regards to bats. (Demolition works cannot commence until an ESP license has been obtained from Natural England).

As per my email correspondence in December 2011 with the applicants, protected species surveys cannot be conditioned and we cannot rely on the issuing of a EPS license by Natural England via a condition owing to:

It states in ODPM Circular 06/2005 that ‘the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat’. The circular continues ‘it is essential that the presence or otherwise of protected species, and the extent that they may be effected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision’.

In the judicial review R (on the application of Woolley) v Cheshire Borough Council [2009] EWHC 1227 a grant of planning permission was quashed because the local planning authority had failed to carry out their obligations under Regulation 3(4) of the Conservation (Natural Habitats, &c.) Regulations
1994, which provides that “… every competent authority in the exercise of any of their functions, shall have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.” The High Court decided that ‘having regard’ to the Habitats Directive imposed an obligation on the planning authority that was not fulfilled merely by conditioning a grant so as to require a licence to be obtained from Natural England. The planning authority was obliged, itself, to consider whether the requirements of Article 16 of the Directive were capable of being met before planning permission could be granted. In this case the planning permission was quashed.

Further case law examples:
Appeal Decision APP/C4615/A/08/2093448 Rolling Mills site, Stourbridge: paras 36-46 with ref to para 44 in particular.
APP/K6920/A/05/1176315-main decision on refusal of insufficient info relating to protected species (Great Crested Newt).
Appeal Decision APP/Z1585/A/10/2142721 Golf Club, Essex-insufficient info with regards to EPS for master planning of a site, see points 32 & 35.

**Habitat Regs Assessment**
The EC Habitats Directive requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places, in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment and provided that there is no satisfactory alternative and no detriment to the maintenance of the species population at favourable conservation status in their natural range. This is known as the ‘3 tests’.

The UK implemented the Directive by introducing The Conservation of Habitats and Species Regulations 2010 which contain two layers of protection a requirement on Local Planning Authorities (LPA’s) to have regard to the Directive’s requirements above, and a licensing system administered by Natural England.

Circular 6/2005 advises LPA’s to give due weight to the presence of protected species on a development site to reflect EC requirements. “This may potentially justify a refusal of planning permission.”

PPS9 advises LPA’s to ensure that appropriate weight is attached to protected species “Where granting planning permission would result in significant harm ...(LPA’s) will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives (LPA’s) should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where … significant harm … cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented,
adequately mitigated against, or compensated for, then planning permission should be refused.”

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

The Conservation of Habitats and Species Regulations 2010 requires that three ‘tests’ (in Regulation 53 (2)(e), (3)(a) and 3(B)) be met in order that a licence may be issued. A court judgment (R (Woolley) v Cheshire East Borough Council, 2009) has determined that Local Planning Authorities (LPA’s), as part of their general duty under the Regulations, must consider these tests. The fact that the issuing of a licence falls to another authority to determine does not exclude the LPA from involvement in this part of the Regulations.

Regulation 53 (2)(e) requires that the proposal be preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment. This is generally interpreted as being that planning policy supports the development proposal.

In respect of Regulation 53 (2)(e) (Once all the relevant species information has been submitted this is section is for the Planning Officer to complete, citing policy support for the proposal)

Regulation 53 (3) states that a licence should not be issued unless the appropriate authority is satisfied:
  (a) That there is no satisfactory alternative, and
  (B) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

In respect of 53 (3)(a) (Once all the relevant species information has been submitted this is section is for the Planning Officer to complete, citing policy support for the proposal)

With regards to 53 B once we have all the up to date survey information and mitigation we should be able to determine this section.

At present with respect to the Habitat Regs we cannot determine this application until further surveys are carried out to clarify exactly how many bats are using these buildings (and if great crested newts are on site) and to what extent. We cannot apply the ‘three tests’ based on the submitted 2008 survey as it is not an up to date assessment and detailed mitigation is not provided. We cannot recommend approval until the three tests are passed. Once we have received updated surveys and mitigation we can move forwards and I’m confident that the ‘3 tests’ would be passed with the right information.
Wildlife & Countryside Act 1981 (as amended)

In addition to the above mentioned Habitat Regs bats and great crested newts also receive protection under the Wildlife & Countryside Act 1981 (as amended) and this act makes it an offence to:

Intentionally or recklessly disturb any bat whilst it is occupying a structure or place which it uses for shelter or protection; obstruct access to any structure or place which any bat uses for shelter or protection.

Should Natural England learn of licensable actions being under taken with no mitigation licence in place we will consider what enforcement action to take. This may be carried out ourselves in line with our Enforcement Policy or a referral to the Police depending on the circumstances of the case. Our enforcement action may include reporting a member to their professional body, adding additional licence conditions or revoking a licence when this is proportionate to the individual case.

Breeding birds are also covered this act, under (Section 1) (as amended) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1 March and 31 August. Trees and scrub are present on the application site and should be assumed to contain nesting birds between the above dates unless survey has shown it is absolutely certain that nesting birds are not present.

United Utilities

Applicant must discuss full details of the site drainage with UU - separate metered supply to each unit will be required - internal pipe work must comply with current water supply (water fittings) regulations 1999 - water efficient designs encouraged.
WARRINGTON BOROUGH COUNCIL

DEVELOPMENT MANAGEMENT COMMITTEE
29th March 2012

Report of the: Executive Director Environment and Regeneration Services
Report Author: Michael Davies – Principal Planning Officer
Contact Details: Email Address: mdavies@warrington.gov.uk Telephone: 01925 442813

Ward Members:

1. SUMMARY PAPER – REPORT ON:

   Results of Planning and Enforcement appeals.

2. Purpose of the Report:

   To advise members of the results of appeals.

3. Recommendations:

   To note the reports.

4. Reason for Recommendation:

   To inform Members of the results of appeals.

5. Confidential or Exempt:

   Not applicable

6. Financial Considerations:

   None.

7. Risk Assessment:

   Not required.

8. Equality Impact Assessment:

   No equality impact assessment is considered to be required.
9. **Consultation:**

   Not relevant

10. **Clearance Details** *(Record of clearance of report):*

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<td>Relevant Head of Service</td>
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11. **Background Papers:**

   Planning application and appeal documents

**Contacts for Background Papers:**

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WARRINGTON BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
29th March 2012  

REPORT OF THE EXECUTIVE DIRECTOR OF ENVIRONMENT AND REGENERATION  
TOWN & COUNTRY PLANNING ACT 1990 – RESULT OF APPEALS  

APPLICATION REF:  2011/18770  
APPEAL REF:  M0655/D/11/2167497  

LOCATION:  15 Barnes Avenue, Pouton-with-Fearnhead  

DESCRIPTION:  Rear conservatory  

OFFICER RECOMMENDATION:  Refuse  

APPEAL DECISION:  Dismiss  

MATERIAL CONSIDERATIONS:  
Impact on the living conditions of neighbouring properties  

INSPECTOR’S FINDINGS:  
• One of a pair of semis – unlike adjoining house (no 13) it already has a 3m deep single storey full width extension at the rear  
• Conservatory would project a further 3m beyond the extension at a distance of only 300mm from the boundary with no 13  
• Would conflict with 45 degree code  
• Existing extension causes some loss of light to no 13 – the proposed conservatory would worsen this – even though it would be lower  
• Conservatory would be overbearing as it would be a metre higher than the boundary fence  
• An existing conservatory at a property nearby is in a similar position and is much taller and more conspicuous in design and colour, but I have no information on the circumstances of that case  

EXECUTIVE DIRECTOR OF ENV & REGEN COMMENTS:  
• Routine support for caseworker views  

UNITARY DEVELOPMENT PLAN  
DCS1; HOU8.  
SPG2 – House Extension Guidelines  
SPG 2C – Rear Extensions
WARRINGTON BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
29th March 2012

REPORT OF THE EXECUTIVE DIRECTOR OF ENVIRONMENT AND REGENERATION
TOWN & COUNTRY PLANNING ACT 1990 – RESULT OF APPEALS

APPLICATION REF: 2011/18581
APPEAL REF: M0655/D/11/2168667

LOCATION: 28 Worsley Road, Walton

DESCRIPTION: First floor side extension

OFFICER RECOMMENDATION: Refuse

APPEAL DECISION: Allow

MATERIAL CONSIDERATIONS:
- Impact on the streetscene

INSPECTOR’S FINDINGS:
- Proposed addition on top of existing ground floor extension with pitched roof, at a lower level than, but with the same pitch and profile as the existing roof
- Would be set back from the front of the house and design/materials would match those of the existing house
- Agree with Council that extension would be subservient to and complement the appearance of the original dwelling
- Differs from SPG - as there would only be a 0.8m gap to boundary – whereas guidance requires 1m to avoid a terracing effect
- Other two storey side extensions in vicinity have been built at varying distances to side boundaries – without necessarily resulting in a terracing effect if less than 1m to the boundary
- Given that the extension would be set back and be subservient to the main house, the gap would be sufficient to avoid a harmful terracing effect

EXECUTIVE DIRECTOR OF ENV & REGEN COMMENTS:
- Inspector attached greater weight than caseworker to fact there is already an array of similar extensions in the vicinity – some of which breach the terracing code
- In this context, achieving a gap of 0.8m – rather than 1m – would not be seriously harmful

UNITARY DEVELOPMENT PLAN
DCS1; HOU8.
SPG2 – House Extension Guidelines
WARRINGTON BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
29th March 2012

REPORT OF THE EXECUTIVE DIRECTOR OF ENVIRONMENT AND REGENERATION
TOWN & COUNTRY PLANNING ACT 1990 – RESULT OF APPEALS

APPLICATION REF: 2011/18851
APPEAL REF: M0655/D/11/2166681

LOCATION: Land between 120 and 128 Weaste Lane, Thelwall

DESCRIPTION: Four bedroom detached house

OFFICER RECOMMENDATION: Refuse

APPEAL DECISION: Dismiss

MATERIAL CONSIDERATIONS:
Whether inappropriate in green belt
Whether proposal would cause other harm
If inappropriate, whether there are very special circumstances to justify the development

INSPECTOR’S FINDINGS:
• Would be inappropriate in green belt, and would cause substantial harm to green belt in this case
• There have been three previous appeals on the site for housing development – in 1977; 1993 and 2003 – each were dismissed on green belt grounds
• No change in green belt policy since last appeal
• The 2 storey, 4 bed house would cover approx 20 per cent of the plot and would compromise the openness of green belt
• Despite its enclosure, the site would be clearly visible to passers-by – its appearance has a close affinity to the countryside – and the current lack of development emphasises the rural nature of the surroundings
• Closing this open gap would harm the rural character and appearance of the locality – it would consolidate built form and have an urbanising effect
• A new dwelling would add unnecessarily to the surplus of housing land and would add to the harm to green belt
• Negligible weight to the fact that the site is prone to vandalism/tipping and can be unsightly
• No very special circumstances to justify proposal

EXECUTIVE DIRECTOR OF ENV & REGEN COMMENTS:
• Although in line with repeated previous refusals here, Inspector did not award costs to the Council – noting that the last appeal was some time
ago (2003) and that new evidence – albeit very limited – had been submitted by the applicant

UNITARY DEVELOPMENT PLAN
HOU1; HOU2
SPD: Managing the Housing Supply
WARRINGTON BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
29th March 2012

REPORT OF THE EXECUTIVE DIRECTOR OF ENVIRONMENT AND REGENERATION
TOWN & COUNTRY PLANNING ACT 1990 – RESULT OF APPEALS

APPLICATION REF: 2011/19045
APPEAL REF: M0655/D/12/2169482

LOCATION: Oak Lea, Common Lane, Lower Stretton

DESCRIPTION: Single storey rear conservatory

OFFICER RECOMMENDATION: Refuse

APPEAL DECISION: Dismiss

MATERIAL CONSIDERATIONS:
Whether inappropriate in green belt
Impact on openness of green belt
Very special circumstances

INSPECTOR’S FINDINGS:
• Not a limited extension – but is disproportionate when added to previous additions to the original dwelling
• There would be a noticeable increase in built development at the rear of Oak Lea and would reduce openness
• Proposed conservatory would be largely hidden from public view – but I attach limited weight to this
• Like the Council, no objection to design or appearance
• Other nearby properties have been extended and altered, but I am not aware of these circumstances; each proposal should be considered on his merits
• There are no very special circumstances to justify the proposed development

EXECUTIVE DIRECTOR OF ENV & REGEN COMMENTS:
• Inspector usefully re-confirms principle that even if new development is barely visible, it can still harm green belt – because it erodes openness

UNITARY DEVELOPMENT PLAN
DCS1; HOU8; HOU9; GRN1
SPG2 – House Extension Guidelines
SPG 2C – Rear Extensions
SPG G – Extensions within the Green Belt
REPORT OF THE EXECUTIVE DIRECTOR OF ENVIRONMENT AND REGENERATION
TOWN & COUNTRY PLANNING ACT 1990 – RESULT OF APPEALS

APPLICATION REF: 2011/18577
APPEAL REF: M0655/D/11/2167797

LOCATION: Station House, Station Road, Penketh

DESCRIPTION: Single storey rear and side extension and front porch extension

OFFICER RECOMMENDATION: Refuse

COMMITTEE DECISION: Refuse

APPEAL DECISION: Allow

MATERIAL CONSIDERATIONS:
Whether inappropriate in green belt
Impact on openness of green belt
Very special circumstances

INSPECTOR’S FINDINGS:
- Agree with Council – front porch is not at issue
- Proposal would be disproportionate – in addition to previous extensions and inappropriate in green belt
- No dispute over design and appearance
- Whether the land is well screened or not is not relevant to continued green belt protection
- Increase in scale and mass would harm green belt
- Appellant has shown that he could achieve the extra space needed by using Permitted Development (PD) rights – but that by doing so the proposal would have a worse impact on his only neighbours – and this is a material consideration
- Better to build as proposed – even though this was harmful to green belt – in preference to extending (under PD) without the need for planning permission in such a way which would harm neighbour’s amenity
- Harm to green belt is outweighed by need to prevent harm to neighbours which might result from the likely alternative scheme

EXECUTIVE DIRECTOR OF ENV & REGEN COMMENTS:
- Inspector considered the “fall-back” position – whereby an alternative proposal could be built here without the need for planning permission
• Inspector chose to attach overriding weight to prospect of the fall-back scheme materialising, if the appeal scheme was rejected
• Whilst the prospect of a fall-back proposal actually being implemented is known to be a material consideration, the weight to be attached to such a prospect is highly debateable from case to case – depending as it does on the intention of the developer
• Care should be taken not to approve unacceptable development – merely because a more attractive – but hypothetical - scenario may exist under PD rights - as a “fall-back”

UNITARY DEVELOPMENT PLAN
DCS1; HOU8; HOU9; GRN1
SPG2 – House Extension Guidelines
SPG 2C – Rear Extensions
SPG G – Extensions within the Green Belt
## DEVELOPMENT MANAGEMENT COMMITTEE

Thursday 29th March 2012

### DECISIONS

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<td>1</td>
<td>2</td>
<td>2011/19313</td>
<td>Police Training Centre, Greenway, Warrington, WA1 3EG</td>
<td>Approve Subject to Section 106 Agreement</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Demolition of existing buildings and application for outline planning permission for residential development of up to 220 new dwellings with associated open space, landscaping and infrastructure (all matters reserved).</td>
<td>RESOLUTION TO APPROVE SUBJECT TO COMPLETION OF ECOLOGICAL WORK, ADDITION APPROPRIATE CONDITIONS AND SIGNING OF S106 – ADDITIONAL CONDITION RE BUILDING HEIGHTS.</td>
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**Urgent item**

Marton Close Enforcement Action

Members appraised of actions to date to comply with requirements of enforcement notice, the expectation of the developer who considers that he has complied and neighbours who expect compliance to the absolute letter of the notice.
Members noted expectation of full compliance with sanction to move to prosecution if this is not secured.
Under section 8.1 of the constitution, as Chair of the Development Management Committee, I have certified that the next item is of such significance that it is of immediate urgency and cannot wait until the next ordinary meeting of this committee and cannot be dealt with under any procedure otherwise available under the Constitution.

(The committee then needs to move into Part 2 proceedings.)